

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 1-20 will be pending. The above amendments and new claims 19 and 20 have been added to more distinctly claim the Applicant's invention, and are fully supported throughout the specification, for example, at pages 6-7.

Claims 1-6, 11-15, 17 and 18 stand rejected under 35 U.S.C. §102(e) or, in the alternative, under 35 U.S.C. §103(a) over Librizzi (US 6,514,918). In addition, claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Librizzi (US 6,514,918). Finally, claims 1-3, 6 and 7 stand rejected under 35 U.S.C. §103(a) as unpatentable over Queen *et al.* (US 2003/0036498), and claim 7 stands further rejected under 35 U.S.C. §103(a) as unpatentable over Librizzi in view of Queen *et al.* The Applicant respectfully traverses these rejections for at least the following reasons.

The Examiner notes that the compositions of Librizzi "are useful as shampoos, washes, baths, gels, etc."¹ Indeed, Librizzi discusses compositions that include at least one *anionic* surfactant², and utilize large quantities of water. For instance, the exemplified compositions of Librizzi each use over 85% water.³ In contrast, the presently claimed invention provides liquid and readily flowable compositions with only up to about 30 wt.% water, wherein the alkoxylated alkanolamide acts as a solvent to solvate the claimed nonionic surfactants, fatty acid or combinations thereof. Accordingly, the present invention is neither taught or suggested by the Librizzi.

Furthermore, the deficiencies of Librizzi are not remedied by Queen *et al.* Queen *et al.* similarly illustrates the formulation of compositions with almost 85% water.⁴ The skilled artisan would not, therefore, be motivated to form a liquid and readily flowable composition having up to about 30 wt.% water either Queen *et al.* alone or in combination with Librizzi.

Accordingly, the Applicant respectfully requests reconsideration and withdrawal of these rejections.

¹ Office Action mailed December 17, 2004, page 3.

² See e.g., US 6,514,918 at Abstract.

³ US 6,514,918 Col. 7, lines 1-10.

⁴ US 2003/0036498 A1, page 10 (Example 6).

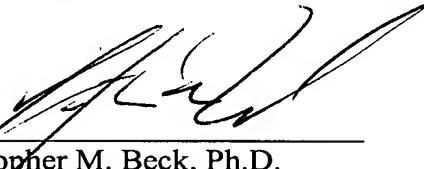
Claims 1-18 stand provisionally rejected under the doctrine of obviousness-type double patenting as unpatentable over claims 1-23 of U.S. Application 10/840,417, and claims 1-4, 6-18 and 20-23 of U.S. Application 10/840,814. The Applicant plans to timely submit an appropriate Terminal Disclaimer upon the indication of allowable subject matter.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: 

Christopher M. Beck, Ph.D.
Registration No. 52,603
Direct No. (202) 263-3374

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 263-3340

PLS/CMB/cdw

Intellectual Property Group
1909 K Street, N.W.
Washington, D.C. 20006-1101
(202) 263-3000 Telephone
(202) 263-3300 Facsimile

Date: March 17, 2005